

**Introduced by Senator Speier**

January 13, 2006

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An act to amend Sections 1202.8 and 3004 of the Penal Code relating to sex offenders.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1178, as introduced, Speier. Sex offenders: electronic monitoring.

Existing law requires persons placed on probation by a court to be under the supervision of the county probation officer who shall determine both the level and type of supervision consistent with the court-ordered conditions of probation.

This bill would require a person who is convicted of an offense that requires him or her to register as a sex offender, and who is determined to be at a high risk of reoffending, to be electronically monitored while on probation, unless the chief probation officer determines that such monitoring is unnecessary for a particular person. Because the bill would impose new duties on local agencies, the bill would impose a state-mandated local program.

Existing law authorizes the parole authority to require, as a condition of release on parole or reinstatement on parole, or as an intermediate sanction in lieu of return to prison, that an inmate or parolee agree in writing to the use of electronic monitoring or supervising devices.

This bill would require a person who is convicted of an offense that requires him or her to register as a sex offender, and who is determined to be at a high risk of reoffending, to be electronically monitored while on parole, unless the Department of Corrections and Rehabilitation determines that such monitoring is unnecessary for a particular person.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1202.8 of the Penal Code is amended to  
2 read:

3 1202.8. (a) Persons placed on probation by a court shall be  
4 under the supervision of the county probation officer who shall  
5 determine both the level and type of supervision consistent with  
6 the court-ordered conditions of probation.

7 (b) *A person who is convicted of an offense that requires him*  
8 *or her to register as a sex offender pursuant to Section 290, and*  
9 *who is determined to be at a high risk of reoffending, shall be*  
10 *electronically monitored while on probation, unless the chief*  
11 *probation officer determines that such monitoring is unnecessary*  
12 *for a particular person.*

13 (c) Within 30 days of a court making an order to provide  
14 restitution to a victim or to the Restitution Fund, the probation  
15 officer shall establish an account into which any restitution  
16 payments that are not deposited into the Restitution Fund shall be  
17 deposited.

18 SEC. 2. Section 3004 of the Penal Code is amended to read:

19 3004. (a) Notwithstanding any other law, the parole  
20 authority may require, as a condition of release on parole or  
21 reinstatement on parole, or as an intermediate sanction in lieu of  
22 return to prison, that an inmate or parolee agree in writing to the  
23 use of electronic monitoring or supervising devices for the  
24 purpose of helping to verify his or her compliance with all other  
25 conditions of parole. The devices shall not be used to eavesdrop  
26 or record any conversation, except a conversation between the

1 parolee and the agent supervising the parolee which is to be used  
2 solely for the purposes of voice identification.

3 *(b) Notwithstanding subdivision (a), a person who is convicted*  
4 *of an offense that requires him or her to register as a sex*  
5 *offender pursuant to Section 290, and who is determined to be at*  
6 *a high risk of reoffending, shall be electronically monitored*  
7 *while on parole, unless the department determines that such*  
8 *monitoring is unnecessary for a particular person.*

9 SEC. 3. If the Commission on State Mandates determines that  
10 this act contains costs mandated by the state, reimbursement to  
11 local agencies and school districts for those costs shall be made  
12 pursuant to Part 7 (commencing with Section 17500) of Division  
13 4 of Title 2 of the Government Code.